

MONTANA LEGISLATIVE HISTORY

Chapter 645 19 85

Bill H 108 S _____ Original bill & history C

H. Committee on Local Government

Hearing Date(s) Jan 22 ☒ C

_____ C

_____ C

_____ C

Date Out Jan 22 ☒ C

S. Committee on Local Government

Hearing Date(s) April ☒ C

_____ C

_____ C

_____ C

April ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

Appropriations
Mar 25

HB 107 INTRODUCED BY MILLER
REVISION OF ELECTROLOGY LAWS

1/07 INTRODUCED
1/07 REFERRED TO BUSINESS & LABOR
1/11 HEARING
1/11 FISCAL NOTE REQUESTED
1/14 FISCAL NOTE RECEIVED
1/15 COMMITTEE REPORT-BILL PASS AS AMENDED 95 4
1/17 2ND READING PASS 93 4
1/18 3RD READING PASS

TRANSMITTED TO SENATE
1/19 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
1/25 HEARING
1/28 COMMITTEE REPORT-BILL CONCURRED 48 0
1/29 2ND READING CONCURRED 48 1
1/31 3RD READING CONCURRED

RETURNED TO HOUSE
2/05 SIGNED BY SPEAKER
2/06 SIGNED BY PRESIDENT

2/06 TRANSMITTED TO GOVERNOR
2/09 RETURNED WITH GOVERNOR'S AMENDMENTS
2/11 2ND READING GOVERNOR'S AMENDMENTS CONCURRED 93 2
2/12 3RD READING GOVERNOR'S AMENDMENTS CONCURRED 93 4

TRANSMITTED TO SENATE
2/15 2ND READING GOVERNOR'S AMENDMENTS CONCURRED 50 0
2/18 3RD READING GOVERNOR'S AMENDMENTS CONCURRED 48 0

RETURNED TO HOUSE
2/21 SIGNED BY SPEAKER
2/22 SIGNED BY PRESIDENT

2/22 TRANSMITTED TO GOVERNOR
2/27 SIGNED BY GOVERNOR
CHAPTER NUMBER 40 EFFECTIVE DATE: 10/1/85
SECTIONS 1, 6, 8 EFFECTIVE 2/27/85

HB 108 INTRODUCED BY WINSLOW
RAISE COST TO U.S. AND MONTANA OF THEIR PLACING
PERSONS IN COUNTY JAIL

1/07 INTRODUCED
1/07 REFERRED TO LOCAL GOVERNMENT
1/10 FISCAL NOTE REQUESTED
1/16 FISCAL NOTE RECEIVED
1/22 HEARING
1/23 COMMITTEE REPORT-BILL PASS AS AMENDED 94
1/25 2ND READING PASS
1/25 REREFERRED TO APPROPRIATIONS
3/25 HEARING
3/28 COMMITTEE REPORT-BILL PASS AS AMENDED

HOUSE FINAL STATUS

3/30	2ND READING PASS	98	0
4/01	3RD READING PASS	99	0
	TRANSMITTED TO SENATE		
4/03	REFERRED TO LOCAL GOVERNMENT		
4/11	HEARING		
4/12	COMMITTEE REPORT-BILL CONCURRED		
4/15	2ND READING CONCURRED	49	0
4/17	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
4/23	SIGNED BY SPEAKER		
4/23	SIGNED BY PRESIDENT		
4/24	TRANSMITTED TO GOVERNOR		
4/30	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 645	EFFECTIVE DATE: 10/01/85	

109 INTRODUCED BY SCHYE
REMOVE STATUTORY CONFLICT ON CHARGING COSTS TO
CONVICTED DEFENDANTS

1/07	INTRODUCED		
1/07	REFERRED TO JUDICIARY		
1/08	HEARING		
1/08	COMMITTEE REPORT-BILL DO PASS		
1/09	2ND READING PASS	91	5
1/11	3RD READING PASS	98	1
	TRANSMITTED TO SENATE		
1/14	REFERRED TO JUDICIARY		
1/29	HEARING		
2/01	ADVERSE COMMITTEE REPORT	47	0
2/01	BILL KILLED		

110 INTRODUCED BY SCHYE, D. BROWN, ET AL.
ELIMINATING 10-YEAR LIMIT ON AGRICULTURAL LEASES

1/07	INTRODUCED		
1/07	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
1/14	HEARING		
1/14	COMMITTEE REPORT-BILL DO PASS		
1/16	2ND READING PASS	97	0
1/17	3RD READING PASS	98	0
	TRANSMITTED TO SENATE		
1/18	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
1/25	HEARING		
1/26	COMMITTEE REPORT-BILL CONCURRED		
1/28	2ND READING CONCURRED	48	0
1/30	3RD READING CONCURRED	45	4
	RETURNED TO HOUSE		
2/02	SIGNED BY SPEAKER		
2/02	SIGNED BY PRESIDENT		

2/04	TRANSMITTED TO GOVERNOR		
2/05	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 11	EFFECTIVE DATE: 10/01/85	

FISCAL NOTE

Form BD-15

In compliance with a written request received January 11 19 85, there is hereby submitted a Fiscal Note for H.B. 108 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 108 changes the amount paid to a county by the United States and the Department of Justice, Highway Patrol Division for holding a prisoner in a county jail.

ASSUMPTIONS:

1. In FY 1984 \$49,684 was paid by the Department of Justice, Highway Patrol Division, to various counties for holding of prisoners.
2. Each county will bill the Department of Justice, Highway Patrol Division, the maximum allowed under the proposed legislation.
3. There will be no increase or decrease in the number of prisoner/days over the base year used; fiscal year 1984.

LOCAL IMPACT:

Counties would realize approximately \$99,368 additional revenue from the State of Montana and an indeterminate amount from the federal government to support the costs of prisoner incarceration.

FISCAL IMPACT:

	Estimated Amount under Current Law @ \$10 per day	Estimated Amount under Proposed Law @ \$30 per day	Increased Cost to the General Fund
Board & Room	\$ 49,684	\$ 149,052	\$ 99,368 per year

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 15, 1985

Martha Powell, from Missoula, also had written testimony in favor of HB 154, which is exhibit 6.

Vera Cahoon, representing the Missoula County Freeholders, wanted to go on record in support of the bill.
(Exhibit 7)

There were no opponents present.

In closing, Rep. Pistoria stated he appreciated having no opponents.

CONSIDERATION OF HOUSE BILL NO. 108: Rep. Winslow appeared before the committee as sponsor of this bill. This bill increases the amount paid to a county by a state or the United States for holding persons committed by them to the county jail. This bill calls for an increase from \$10 to \$30 or the average per diem cost of holding a prisoner, whichever is lower. A fiscal note is attached.

PROPOSERS: Gordon Morris, of the Montana Association of Counties, stated that this bill addresses the increasing costs to counties by way of public safety sector of their budget. The public safety funding is contained within the county general fund. He passed out written testimony which shows prisoner expenses for 15 counties, exhibit 1.

Ray Fracklet, sheriff from Missoula county, stated a daily fee of \$10 per day is unrealistic. The county has been picking up the fee for housing a state prisoner. Over the past three years his jail budget has gone from \$541,000 to \$722,000. Based on these figures, it costs Missoula county \$30.39 to house a prisoner for one day; however, the actual cost is somewhat higher.

Greg Jackson, representing the Urban Coalition, wanted to go on record as supporting HB 108. In Lewis and Clark county it has been established that the average cost of spending a day in jail exceeds \$35.00 per day.

John Scully, representing the Sheriff and Peace Officers, stated there is a great need for increasing the budget of counties because many costs of the sheriffs and jails are much higher now than in prior years. Medical costs occurring in jails are higher now also.

Tom Schneider, president of the Montana Association of Counties and also a commissioner from Powell County, stated that in Deer Lodge, they take prisoners into their county jail from the Montana State Prison, and they are expected to take care of them for \$10 per day,

when it actually costs \$30 to \$35 per day. Therefore, they are very much in support of HB 108.

There were no opponents to HB 108.

DISCUSSION OF HOUSE BILL NO. 108: Rep. Sales asked how the average per diem is determined, and Mr. Morris answered that it is based on the average daily inmate population. This is for lodging, food and clothing, and it is the average cost within the county where the prisoner is held. The cost will fluctuate, depending on the size of the county.

Rep. Wallin asked Rep. Winslow why a low figure of \$30 was put in, rather than what the figure actually is. Rep. Winslow answered that he was trying to be realistic.

Rep. Kadas asked how many federal and state prisoners there are per year. The answer was a rough estimate of less than 5% for state and even less for federal. Rep. Kadas also wanted to know how the state decides where to put a prisoner--in a county or city jail. He was told that many cities don't have a city jail, so the highway patrol will take them to the county jail.

Rep. Sales asked Rep. Winslow if he would object if the \$30 per day maximum was removed and they just used the average cost. Would this hurt the bill? Rep. Winslow said it would be fine to put in the average cost, that any increase would be difficult and might hurt the bill.

Rep. Sands stated that the federal government does not contract with all counties. It was suggested that an amendment be placed in the bill to give counties the right to negotiate with the federal government to allow \$30 per day for prisoners.

In closing, Rep. Winslow stated that because there are no opponents, it is a good sign this is a necessary bill for local government. However, with a fiscal note, it will go to the Appropriations Committee, where it will have a difficult time. Rep. Winslow asked for a DO PASS from this committee.

CONSIDERATION OF HOUSE BILL NO. 75: Rep. Hannah, sponsor of the bill, presented his bill to the committee. This bill deletes the present method for determining the salaries of elected county officials and substitutes instead that the board of county commissioners set the salary. It provides for public hearings on the proposed salaries and requires that the

Rep. Kadas moved to DO PASS HB 133, and it was seconded by Rep. Fritz.

Rep. Hansen moved to amend HB 133, and this was seconded by Rep. Kitselman.

A substitute motion of DO NOT PASS AS AMENDED was made by Rep. Sales, and seconded by Rep. Poff. The motion CARRIED with Rep. Kadas and Rep. Hansen voting "no". Rep. Kadas stated that in some counties elected attorneys and elected commissioners do not agree. Then the county commission is without a legal advisor to do what has to be done.

Rep. Brown stated that in Missoula county, they have 5 times more deputy county attorneys than any others in the state. They are always down here asking for more money. He said half of them could be fired. Rep. Sales said that all counties have problems with some elected officials. Rep. Fritz stated this bill would have considerable impact on the budget. Rep. Poff said he felt we are wasting a lot of time here. It would show disrespect for the county attorney to pass this bill.

Rep. Sales said that if this bill is passed, then the county commissioner can start hiring outside attorneys when their county attorney doesn't agree with him. Where does the money come from? Rep. Kadas responded that the county commissioners would take it out of their own budget.

Rep. Sales asked if it would be legal for county commission to set up another budget for legal matters when the county attorney is responsible for legal matters. Lee Heiman, committee counsel, said that the county attorney is still responsible and has to budget for it.

DISPOSITION OF HOUSE BILL NO. 108: Rep. Brown made a motion of DO PASS. Rep. Wallin seconded it. Rep. Kitselman made a motion that Lee Heiman make an amendment to this bill. This was seconded by Rep. Sales. Rep. Kadas asked if we do this, will we be sure we are getting \$30. Rep. Sands said it is a convenient amendment. The motion of the proposed amendment PASSED UNANIMOUSLY. Rep. Brown made the motion to DO PASS AS AMENDED HB 108. This was seconded by Rep. Kitselman, and the motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 75: Rep. Brown made a motion to DO NOT PASS HB 75. This was seconded by Rep. Pistoria.

STANDING COMMITTEE REPORT

January 22, 1935

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 103

FIRST reading copy (WHITE)
color

RAISE COST OF U. S. AND MONTANA OF THEIR PLACING
PERSONS IN COUNTY JAIL.

Respectfully report as follows: That HOUSE Bill No. 103

BE AMENDED AS FOLLOWS:

1. Page 2, lines 1 through 3
Strike: "of \$13 on line 1 through 'less,' on line 3.

2. Page 2, line 3.
Following: "less,"
Insert: "as may be agreed to"

AND AS AMENDED,
DO PASS.

22-12-15
STATE PUB. CO.
Helena, Mont.

Paula PARKO,

Chairman.

COMMITTEE SECRETARY

Appropriations Committee
March 25, 1985

Brenda Schye (395), Montana Arts Advocacy supports the bill (EXHIBIT 36).

Opponents: None

Committee Discussion:

Representative Waldron (431) asked what sort of assurances does the state have that the loan will be repaid. Lieutenant Governor Turman said the money will not be borrowed unless the project is pretty far along in the process. Funds will be borrowed bit by bit for programs which have reasonable assurance of repayment.

Representative Winslow (456) asked if the funding in this bill was considered under the Cultural and Aesthetic grant program. Representative Fritz said it was not his intention to use the Cultural and Aesthetic grant program for funding of the centennial activities.

Representative Donaldson (477) asked who will be making the rules for obtaining centennial grants and product endorsements. Lieutenant Governor Turman said his office will be responsible for making these rules.

Representative Fritz (511) closed on his bill.

HOUSE BILL 108: "AN ACT TO INCREASE THE AMOUNT PAID TO A COUNTY BY THE UNITED STATES OR THE STATE OF MONTANA TO HOLD A PRISONER COMMITTED TO A COUNTY JAIL BY THE UNITED STATES OR THE MONTANA HIGHWAY PATROL; AMENDING SECTIONS 7-32-2206 AND 7-32-2209, MCA."

Representative Cal Winslow (547), District 89, introduced House Bill 108 which he sponsors.

Proponents:

Gordon Morris (582), Executive Director, Montana Association of Counties supports the bill. He told the committee what it costs in various counties to house a prisoner for one day. The lowest cost per day was \$25.57 (Missoula County) and the most expensive cost per day was \$116.27 (Broadwater County).

Opponents: None

Committee Discussion:

Chairman Bardanove (643) asked how it can possibly cost \$108 a day to house a prisoner. Mr. Morris said the cost at

Broadwater County was \$116.27/day, but the sheriff calculated all expenses into this figure including lights and heating. Other counties just included prisoner related expenses such as meals, clothing, toothbrushes, etc.

Representative Spaeth (665) asked what type of person is committed to jail by the Highway Patrol and the asked where disposition money for the fine is deposited. Mr. Morris said state prisoners come from two types of detainings the Highway Patrol and the Department of Fish, Wildlife and Parks (FW&P). He said the Highway Patrol arrests people on the highways and hold them in lieu of bond. FW&P prisoners are detained for fish and game violations. He said the fines for FW&P violations go back to the department. In the case of the Highway Patrol the fines are levied in justice courts and are given directly to school programs. He said for every case heard in justice court there is a \$7.50 filing fee which goes into the county General Fund.

Representative Lory (708) asked how the per diem amount to be paid by the state is determined.

(Tape 61:B:006)

Representative Winslow said the federal government negotiates a rate with the counties and the state can do the same thing.

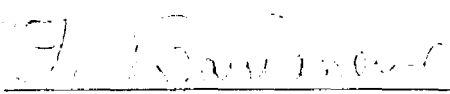
Chairman Bardanouve asked if law enforcement salaries are used to figure the per diem rate. Representative Winslow said no.

Representative Winslow (011), in closing, said the cost of taking care of prisoners is becoming a real drain on county budgets. He said he does not believe \$10/day is taking care of the needs of the jail or the prisoner.

E X E C U T I V E A C T I O N :

Representative Donaldson (022) made a motion that House Bill 411 be TABLED. A voice vote was taken and the motion carried unanimously.

Adjourn: The meeting adjourned at 10:05 p.m.


FRANCIS BARDANOUE, Chairman

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

April 11, 1985

The twenty-ninth meeting of the Local Government Committee was called to order at 12:30 p.m. on April 11, 1985 by Chairman Dave Fuller in Room 405 of the Capitol Building.

ROLL CALL: Senators Crippen and McCallum were excused. All other members were present.

CONSIDERATION OF HOUSE BILL 108: Representative Cal Winslow, District #89, is the sponsor of this bill. The bill was introduced to increase the amount paid to a county by the United States or the State of Montana to hold a prisoner committed to a county jail by the United States or the Montana Highway Patrol.

PROPONENTS

Gordon Morris, representing the Montana Association of Counties, spoke in favor of the bill. He said the bill originally increased the amount to be paid to a county to thirty dollars a day, but was amended down to twenty dollars a day. He distributed a handout with estimated costs per day of keeping prisoners by county. It is attached as Exhibit A to these minutes.

OPPONENTS

There were no opponents to House Bill 108.

Chairman Fuller opened the hearing for Committee questions.

Senator Regan asked why the cost in Broadwater County was so high compared to other counties. Mr. Morris said they had included many things in their estimate that the other counties did not include, such as electricity and water costs.

Senator Pineseault asked if the phrase "as may be agreed to" meant that the county would have to negotiate a price with the U.S. Government on each prisoner. Mr. Morris said no. The county negotiates annual fixed contract amounts with the government.

Senator Pineseault asked how many prisoners per year this was referring to. Mr. Morris said there were approximately forty nine hundred prisoners per year.

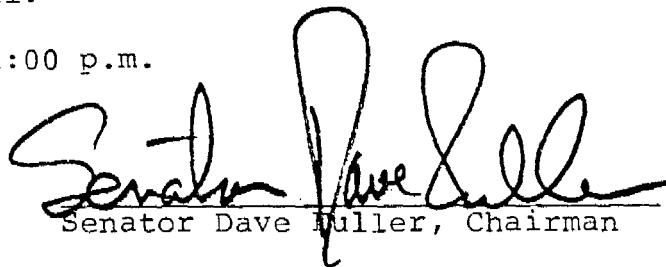
Senator Fuller asked what the date was that was used for the figures in Mr. Morris's handout. Mr. Morris said the study was conducted last fall.

April 11, 1985

The hearing was closed on House Bill 108.

ACTION TAKEN ON HOUSE BILL 108: Senator Regan moved that
House Bill 108 BE CONCURRED IN. The motion passed unanimously.
Senator Eck will carry the bill.

The meeting was adjourned at 1:00 p.m.


Senator Dave Fuller, Chairman

MONTANA
ASSOCIATION OF
COUNTIES

1802 11th Avenue
Helena, Montana 59601
(406) 442-5209

HOUSE BILL 108

PRISONER EXPENSE

SENATE LOCAL GOVERNMENT COMMITTEE

<u>COUNTY</u>	<u>ESTIMATED COST PER PRISONER/PER DAY</u>
BEAVERHEAD *	\$ 53.02
BEAVERHEAD **	34.32
BROADWATER *	116.27
CASCADE **	28.75
CHOUTEAU *	83.13
CUSTER *	42.19
DEER LODGE *	58.81
GALLATIN *	79.37
GALLATIN **	42.65
LEWIS & CLARK **	35.19
MISSOULA **	25.57
SILVER BOW *	39.43
TOOLE *	67.14
VALLEY *	83.99
YELLOWSTONE *	25.93

*Mountain International Social, Economic, Management Consultants, Helena

**Sheriff's Department Letter FY 81-82

STANDING COMMITTEE REPORT

APRIL 11

19. 35

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

No. 108

having had under consideration.....

THIRD

BLUE

reading copy ()

(ECK WILL CARRY)

color

RAISE COST TO U.S. AND MONTANA OF THEIR PLACING
PERSONS IN COUNTY JAIL

HOUSE BILL

No. 108

Respectfully report as follows: That.....

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Senator Dave Fuller

Chairman.